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Rousseau begins the *Social Contract* with the celebrated words: "Man was born free, and everywhere he is in chains. . . . How did this change come to pass? I do not know. What can make it legitimate? I believe I can resolve this question." With this statement he poses the political problem in its most radical form and at the same time suggests the revolutionary principle that almost all existing regimes are illegitimate. Civil society enchains man and makes him a slave to law or other men whereas he was, as man, born to freedom, to the right to behave as he pleases. What is more, civil society, as it is now constituted, has no claim on the moral adhesion of its subjects; it is unjust. Rousseau's political thought points away from the present in both directions: to man's happy freedom of the past and to the establishment of a regime in the future which can appeal to the will of those under its authority. It is the task of the philosopher to make clear what man's nature truly is and, on this basis, to define the conditions of a good political order. Rousseau's thought has an externally paradoxical character, seeming at the same time to desire contradictories—virtue and soft sentiment, political society and the state of nature, philosophy and ignorance—but it is remarkably consistent, the contradictions reflecting contradictions in the nature of things.[1] Rousseau undertook to clarify the meaning of modern theory and practice, and in so doing he brought to light radical consequences of modernity of which men were not previously aware.

Modern politics, according to Rousseau, are based on a partial understanding of man. The modern state, the Leviathan, is directed to its own preservation and, consequently, to that of its subjects. It is, hence, totally negative, taking into account only the condition of happiness,

life, while forgetting happiness itself. Any political system which takes into account only one side of human existence cannot satisfy men's longing for fulfillment or call forth their full loyalty. And it is further Rousseau's argument that the modern state based on self-preservation constitutes a way of life precisely contrary to that which would make men happy. The life of the big nations is characterized by commerce and, consequently, by the distinction between rich and poor. Each man can pursue his gain within the framework laid down by the state. Money is the standard of human worth, and virtue is forgotten. Calculation of private advantage is the basis of human relations; this may not lead to perpetual war, but it destroys the foundations of trust and easy sociability and leads to selfishness and poor citizenship. But, most of all, because there is scarcity and the needs and desires of all men in society cannot be satisfied, the rich are protected and the poor oppressed. Civil society is a state of mutual interdependence among men, but the men are bad and the majority are forced to give up their own wills to work for the satisfaction of the few. And, since these few control the laws, the many do not even enjoy the protection for which they are supposed to have entered into society. The result of the oversimplified and one-sided concentration on preservation is the destruction of the good life which is the only purpose of preservation.[2]

This is the basis of Rousseau's attack on the Enlightenment. The progress of the arts and sciences was believed to be the condition, perhaps the sufficient condition, of a progress of civil society and of an increase in human happiness. Prejudice would be vanquished by learning, manners softened by the arts, nature conquered by science. Sound government could be assured by grounding it on the passions of those who take part in it. The hopes of the Enlightenment are those of modern man, according to Rousseau, and it is the picture of human society painted by the Enlightenment that is the starting point for his revolution in political thought. Rousseau not only denies that progress in the arts and sciences improves morality but asserts, on the contrary, that such progress always leads to moral corruption. The arts and sciences require an atmosphere of luxury and leisure in order to flourish. They themselves emerge, in general, from vices of the soul; at best idle curiosity is their source, and most often they come from the desire for unnecessary comforts which only weaken men and satisfy unnecessary wants. The society dominated by the arts and sciences is one full of inequality, both because the talents needed to pursue them become grounds of distinction among men, and because great sums of money are needed to support them, as well as workers to man the implements devised by those arts and sciences. Society is transformed to support the arts and the sciences

and their products, and this very transformation creates a life full of vain self-regard and injustice.[3]

The first stage of Rousseau's reflection leads to admiration of the past. The situation of modern man is new, but in classical antiquity models of civil society can be found in which men were free and governed themselves. The old republic, the *polis,* above all Sparta, was the refuge of real men and provided long periods of peace, stability, and independence. Rousseau revives the quarrel between the ancients and the moderns in restating the case for the ancient city. That city was not founded on comfort, self-preservation, or science but on virtue—the science of simple souls. Virtue in the classic sense meant good citizenship and the qualities that necessarily accompany it. Only on the basis of courage, self-sacrifice, and moderation can a city in which the great majority govern themselves be founded. Rousseau is a republican; he is a republican because he believes men are naturally free and equal. Only a civil society which is a reflection of that nature can hope to make men happy. The requirements of a free society were best met by the Greek cities and Rome, although they were not perfect, and Rousseau's ultimate solution is an improvement upon them. They were small so that everyone could know everyone else and hence have both common interests and trust. They were governed by the people so that the rulers and ruled were one and the same; there were thus no fundamental differences of interest between governors and governed. The laws were of ancient date and men grew used to their heavy weight by force of long habit. The rule of law is necessary to civil society, and just laws require a stern moral code to support their burden equally; only strict mutual surveillance and habits of justice can ensure their operation. The primary consideration of the government is the virtue of the citizens. The civil society which is to function as a society must be a unity in which the individuals give up their private wishes for the sake of the whole. Society cannot be conceived of as the balance of conflicting interests if men are to be free and not the pawns of interest groups in power. Not enlightenment but severe moral education is the prerequisite of sound civil society. Rousseau's taste and his analysis of the injustice of modern society lead him back to Greece.[4]

But he is led even further. His teaching is not merely a revival of those of Plato and Aristotle. If he admires the practice of antiquity, he does not accept its theory. No political teaching can suffice which merely describes how to construct a stable order or how to make the citizens content. It must also legitimate the authority exercised by the government; it must state the grounds of the citizen's duties and rights. The central political question is always: What is justice? and this leads

necessarily to the question: What is natural? For, outside the limits of the positive law, when the problem is to found or reform a regime, the only standard can be nature and, more specifically, the nature of man. And it is concerning this question that Rousseau differs from his predecessors, or, rather, he joins the moderns in their denial that man is by nature political. Following the current of modern science in general, as well as of political science, Rousseau rejects the notion that man is directed by nature toward an end, the end of political life. The city or the state is a purely human construction originating in the desire for self-preservation. As such, man is conceivable without political society, although in this later age it may have become necessary for him.

Justice, as it can be seen in nations, consists in maintaining the privileges of those in positions of power. All known states are full of inequalities of birth, wealth, and honor. These inequalities can perhaps be justified in terms of the preservation of the regime, but that does not make them more tolerable for those who do not enjoy them. The laws institute and protect these differences of rank. If there are natural inequalities, those existing in the nations do not reflect them; they are the results of human deeds and of chance. They cannot be morally binding on those oppressed by their weight.

If civil society is not natural, then one must go to a time prior to civil society to find man as he is naturally. This investigation is necessary in order to determine the origins of the state; if civil society is not natural, it is conventional; therefore, if there is to be any legitimacy in the laws of civil society, its conventions must be founded on that first nature. Rousseau makes an attempt to describe man in the *state of nature*. Other modern thinkers who agreed that civil society is conventional tried to do the same thing and to ground political right on a prepolitical natural right. But, according to Rousseau, they never succeeded in reaching the primitive state of nature. They were not radical enough in their own rejection of the naturalness of civil society. They denied that attachment to the common good and the political community are parts of human perfection, and they tried to derive the rules of politics from the individual unattached to any state. But they, in describing that individual, described in fact the man living in civil society. They were cryptoteleologists in the sense that they tried to understand man as he is naturally from the point of view of his complete development in civil society. But, if man is truly not a political and social being, then his nature must have been transformed in order for him ever to have come to the point where he could live in civil society. The earlier thinkers, in stripping man of his social nature, saw in him many characteristics which are results of communal living, for example, envy,

distrust, unlimited desire for acquisition, and reason. To know the natural man requires an almost superhuman effort of the mind, for we have no contact with him, we are civilized men worn by the corrosion of civil society.

There is a road from natural man to civil man, and the passage of that road is not like that from embryo to man where the first step is directed to the last and illuminated by it. The movement is not a necessary one, so we are in need of a history of the human species. For the first time, history becomes an integral part of political theory. Man is a different being at different epochs, although for Rousseau he still has a primeval nature which dominates all transformations brought about by time. Rousseau's awareness of the disproportion between natural man and civil man, which is implied in a rejection of the naturalness of civil society, forces him to an investigation of primitive man. The other teachings which do not discover the truly natural lead only to a deeper enslavement to the vices engendered by civil society. The investigation he undertakes proceeds in two ways: the first is by means of what we would today call anthropology. The primitive, which was formerly despised as inferior and imperfect, now seems to throw light on that earlier period and hence becomes an object of serious scientific interest. But, because the so-called savages or primitives already live in societies, they are no more than signposts on the road back. More important is the second way: introspection to uncover the first and simplest movements of the human soul.

Since man is not primarily political and social, he must be divested of all qualities that are connected with life in a community if we are to understand him as he is by nature. The first and most important of these is reason. Reason depends upon speech, and speech implies social life. Hence, the definition of man can no longer be that he is a rational animal. At first one can say only that he is an animal like other animals. He roams the forest in search of nourishment. He seeks to preserve his being, but he is not a ravenous beast naturally hostile to every other member of his species as Hobbes understood him to be. Hobbes could only assert this by attributing to the first men the unlimited desires of political man. Actually this first animal-man has only the simplest needs of the sort that are usually easily satisfied. He cannot think far into the future. He is not frightened of death because he cannot conceive it; he only avoids pain. He has no need to fight his fellow creatures except when there is a scarcity of the bare necessities. He is idle by nature and stirs himself only to satisfy his natural wants. Only a being with foresight who has needs beyond the natural seeks wealth. Locke's industrious natural man is also a construction drawn from already

developed society. It is in this idleness that the true pleasure of the animal is enjoyed; he senses the sweetness of his own existence. He has only two fundamental passions: the desire to preserve himself and a certain pity or sympathy for the sufferings of others of his kind. The latter prevents him from being brutal to other men when such "humaneness" does not conflict with his own preservation. He has no virtues because he needs none. One cannot say that he has morality; whatever he does, he does because it pleases him to do so. But he has a certain goodness; he does no harm.

Considered in this way, it may be said that all men are by nature equal. They have, practically speaking, only physical existences; if there are differences in strength, they have little meaning because the individuals have no contact with one another. From man's natural state can be derived no right of one man to rule another. The right of the stronger is no right, first, because the enslaved can always revolt in his turn; no moral obligation is established by a stronger man subjugating a weaker one. Second, one man could never enslave another in the state of nature because men had no need of one another, and it would be impossible to hold a slave. Nor does the family provide a source for political right because in the state of nature there is no family. The relations between man and woman are casual, and the mother instinctively takes care of the children until they are strong enough to fend for themselves; there is no authority or duty involved. The state of nature is a state of equality and independence.

There are two characteristics which distinguish man from the other animals and take the place of rationality as the defining quality of humanity. The first is freedom of the will. Man is not a being determined by his instincts; he can choose, accept, and reject. He can defy nature. And the consciousness of this liberty is the evidence of the spirituality of his soul. He is aware of his own power. The second, and least questionable characteristic of man, is his perfectibility. Man is the only being which can gradually improve its faculties and pass this improvement on to the whole species. All the superior faculties of the mind seen in civilized man are proofs of this. They are now a permanent part of the species, but they did not belong to it naturally. On the basis of these two fundamental characteristics of man, it can be said that natural man is distinguished by having almost no nature at all, by being pure potentiality. There are no ends, only possibilities. Man has no determination; he is the free animal. This constitution leads him away from his original contentment toward the misery of civil life, but it also renders him capable of mastering himself and nature.

Natural man, then, is a lazy beast, enjoying the sentiment of his own existence, concerned with his preservation and pitying the sufferings of his fellow creatures, free and perfectible. His motion toward the civilized state is a result of unforeseeable accidents which leave unalterable marks on him. He is forced into closer contact with other men by natural catastrophes. He develops speech and begins to maintain a permanent establishment with his woman and children. He is softer and his needs are now greater, but his existence is intrinsically pleasant. There are, as yet, no laws, no state, no inequality. The needs of men are not such as to make them competitors. But men have at last become dependent on one another, and the first experiences of cooperation or common ends bring to consciousness what obligation or morality might be. Man's freedom still comes first, and he can withdraw from any engagement he might have made when it is to his advantage; but he also sees the advantage in getting help from others and the necessity of doing his share if he is to receive in kind. However, he is still so independent as to be unwilling to sacrifice any of his freedom in order to guarantee the fulfillment of contracts.

In addition to the first consciousness of moral obligation, man in this new communal situation begins to practice vengeance. Because men are in daily contact with one another there is more occasion for friction; and, because there is no law, each man is judge in his own case. The natural pity which was the root of humanity in the state of nature is weakened as a result of the conflict between self-love and pity; in any such case the former always wins. But it is not these battles which cause men to form civil society; it is the foundation of private property. The founder of political society and the man who brought the greatest evils to mankind was the first who said, "This land belongs to me." The cultivation of the soil is the source of private property. Only what a man has made or that to which he has added his work can in any sense be said to belong to him. With the foundation of private property forethought also arises. When the fields and streams of themselves provided nourishment, clothing, and housing, man did not think to the future. But the farmer must do so, and the desire to increase and protect his crops both multiplies his desires and causes him to seek power.

And, further, in the foundation of private property, we have also discovered the origin of inequality. For different men have different skills and talents which enable some of them to increase their possessions. Soon all available land is enclosed, and some have more than they need, others less. Men recognize property as something real, but their own need is also something real. There is no judge between these

different claims, and there is no natural law to resolve them because the situation is man-made, not natural. A state of war necessarily ensues between the haves and the have-nots.

At this stage man has developed all his powers, and he has made himself miserable. The greatest change in his nature is that formerly he lived entirely for himself within himself. Now he lives for others, not only because he is physically dependent on them but because he has learned to compare himself with them. His soul has become enslaved to other men, and this is more of a bond than his need of them to help him satisfy his desires. He seeks money and honor instead of reflecting on his real wishes. Man has become vain, and in the search to gratify that vanity there are endless sources of quarrel. Vanity (*amour-propre*) has taken the place of the original self-love (*amour de soi*); instead of physical desires which must be appeased, he is now possessed by infinite yearnings for possessions he can never use and a glory he despises as soon as it is gained.

It is now that someone among the rich, aware of the constant danger to his property and the wretched condition of the people, suggests a contract for the establishment of civil society. This clever man sees the possibility of guaranteeing his questionable right to property by the consent of other men and of maintaining peace by a mutual pact to protect each and all against aggression. The natural passion of pity has been extinguished, and the only substitute for it in the new conditions is a morality defining men's duties, backed up by a recognized authority. Nature no longer suffices. The frightful state of war makes this step necessary and ensures the acquiescence of the poor. But it is a swindle. The rich give an appearance of legitimacy to their control of their property and are able to enjoy it peacefully. The inequality which has gradually come into being is made lawful, and the oppression of the poor is maintained by public force. Hobbes is right when he says that the men who are constrained to found civil society are hostile to one another and afflicted by infinite desires. He is wrong only in asserting that this is the nature of man. There was an earlier state which defined the essential character of man's freedom and which makes it impossible for him legitimately to deliver himself over to the will of anyone else. Locke is right when he asserts that the purpose of civil society is to protect property. He also is wrong only in asserting that property is natural to man, and that the inequalities stabilized by civil society conform to real standards of justice. Every man has a natural right to preserve himself and to act in accordance with this right. Civil society has no natural ground to legitimate a command which contradicts the natural right. But all civil societies issue such commands; natural right

cannot be their legitimation. Man is naturally free, and civil society takes his freedom away from him; he is dependent on the law, and the law is made in favor of the rich—at least in its origin it was meant to favor them.[5]

So the political problem is posed in the presentation of the history of its birth. Man, free by nature, needs government to organize and regulate the life in common to which he has become committed. But precisely because he has developed terrible passions which necessitate government, a just government is rendered factually difficult because the men who form the laws are under the influence of those passions, and the citizens continue to possess those passions and have every interest in altering the government for the sake of their satisfaction. Only the most severe moral education can obviate this difficulty, a moral education almost never to be found. And, from the point of view of right, civil society demands a devotion to the common good, a subordination of the individual to the whole, while man by nature is a selfish, independent animal. At any point where he senses a conflict between society and himself he is naturally and properly motivated by his selfish interest. How can civil society rightfully call upon a man to sacrifice himself for it? How can one selfish individual demand that another obey him? No contract can bind to the point of sacrificing that for which it was made, and no man willfully contracts away the freedom which is the core of his being.[6]

Civil society cannot be grounded on natural right; nature dictates only self-interest. Nature is too low to comprehend civil society; the study of nature leads to its rejection as the standard, at least for society. This was what Rousseau's predecessors had not understood, according to him. Civil society requires morality because man's natural character does not suffice to bind him, *in foro interno,* to the more stringent demands of political life, and his newly inflamed passions make him even less fit for society. A society which was based on each man's calculation of his interest would only cause those passions to develop further, for his interest is already determined by his passions, and would lead inevitably to tyranny or anarchy. Hence, since morality is not natural to man, he must create it. It is the basis for this project that Rousseau sets down in the *Social Contract;* in it he tries to resolve the problem posed by the conflict between the individual and the state, or self-interest and duty. Nothing can bind man's freedom, but civil society is bondage. The act of establishing civil society is identical with that of establishing morality or binding commitments to others. Since nature does not provide the basis for the agreement, it must be a convention. Traditionally, conventions were considered to be of a lower order than natural laws,

precisely because they are man-made and changeable; conventions differ everywhere and seem to be the result of arbitrary will and chance. The man who obeys convention would seem to be the prisoner of other men. But, if man is free, his capacity to make conventions is the sign of that freedom; his will is not limited by nature. To this extent, man the maker of morality and the state is the fulfillment of the notion of man as the free, undetermined being. If the simply arbitrary character of conventions could be avoided, then one could say that a conventional civil society is at once the fulfillment of man's nature and worthy of his respect and obedience.

As Rousseau puts it in his own forceful formulations: "[The difficulty is] to find a form of association which defends and protects with all the common force the person and the goods of each associate; by which each, uniting himself to all, obeys nevertheless only himself and remains as free as before." [7] The solution is that every man give himself entirely to the community with all of his rights and property. The deposit is made with the whole, with no individual; in this way no one puts himself into the hands of another. The contract is equal, for each gives all. No one reserves any rights by which he can claim to judge of his own conduct; hence there is no source of conflict between individual and state, for the individual has contracted to accept the law as the absolute standard for his acts. The social contract forms an artificial person, the state, which has a will like the natural person; what appears necessary or desirable to that person is willed by it and what is willed by the whole is law. Law is the product of the *general will.* Each individual participates in legislation, but law is general, and the individual in his role as legislator must make laws which can conceivably be applied to all members of the community. He makes his will into law but now, as opposed to what he did in the state of nature, he must generalize his will. As legislator he can only will what all could will; as citizen he obeys what he himself willed as legislator. Although men of diverse tastes and understandings go to make up the sovereign legislative body, none can impose his will on the others unless the others could have willed it themselves. The law is produced by the will of each thinking in terms of all. The primary function of the social contract is to constitute a regime which can express the general will.

Civil society is simply the agreement among a group of men that each shall become a part of the general will and be obedient to it. As a result, each remains as free as he was before, because he obeys nothing but his transformed will. The conventional liberty of civil society satisfies the primary natural right of man—freedom. As long as the society

is organized so that the laws can be made impersonally, no man can make a claim against it on the basis of natural right. Man in the state of nature had a right to all that he willed; neither the will nor the reason of other men could legitimately issue commands to him. There is no eternal reason which can and should control our actions. Each man has his own judgments based on his personal experience and affected by his particular will. This fact is reflected in the notion of the general will; man is a being who wills, and the capacity to do what he wills is the essence of freedom. Willing is, as such, independent of what is willed. The natural law, or any other rational command directed toward the common good, is a limitation on freedom drawn from a questionable source. Therefore, the general will contains no specific directives; it can determine itself to do whatsoever occurs to it; it is in itself empty; it is pure will. This is another aspect of the preservation of the natural freedom. The general will is formal, and the only thing which distinguishes it from the particular will is that it can only will what all could conceivably will. This sets some limitation on what society as a whole can do, as opposed to the complete license of nature, and Rousseau believes that these purely formal limitations are sufficient to guarantee decency, or that the generalized will is in itself moral. He considers that he has discovered the true principle of morality that others had only sensed and had tried to base on dubious and arbitrary interpretations of nature or on revealed religion. Man's freedom, which seems to be independent of, and opposed to, moral rule is the sole source of morality. With this discovery, Rousseau completes the break with the political teaching of classical antiquity begun by Machiavelli and Hobbes. His immediate predecessors had maintained the notion of natural law which limited the human freedom which they themselves taught.[8]

The movement from the natural state to the civil state produces a very great change in man. Formerly he was an amiable beast; now he has become a moral being. All of his capacities come into play, his ideas are developed and extended, and his sentiments are ennobled. In the state of nature man acted only from instinct; now he must consider his action in relation to principle so that the words *choice* and *freedom* take on a moral sense. If a man continues to act according to his private will, he can be said to degrade himself to the level of the animals. He gives up his freedom, both in the sense that he is a mere tool of his passions and in the sense that he destroys the possibility of a just society and hence puts himself in the power of others. Society is justified, therefore, in forcing him to be free, in constraining him to exercise his will in the

proper way. Education and punishment are the instruments of this constraint. But the truly human dignity emerges in the conscious choice of the general will over the private.

The social contract constitutes the sovereign. Rousseau uses the term "sovereign" to indicate that the source of all legitimacy is in the people at large as opposed to the monarch or the aristocrats or any other segment. There must be a government, and it may be monarchic, aristocratic, or democratic, but its right to rule is derived from the people and exercised only so long as it pleases them. Since nature and revealed religion have been set aside, only the voice of the people can establish law; every enactment must return to them, to their will. The will of the people is the only law. The government is obedient to the law alone, and each citizen is constantly a member of the lawmaking body. Every citizen finds himself in a double relation to the state, as a lawgiver, in so far as he is a member of the sovereign, and as a subject of the law, an individual who must obey.

Several consequences follow from the fact that the sovereign is the only source of legitimacy. In the first place, sovereignty is inalienable. No man or group of men can be given the right to make laws in the place of the citizen body at large. They would be acting according to their individual wills, and their enactments would not be binding. This means that representative government is a bad form of government. Others take the responsibility from the citizens, and they lose their citizen virtue as well as their freedom. If a nation is so large that the citizens cannot hope to meet in a common body, then representation becomes an unfortunate necessity, a necessity which weakens the expression of the general will. If any legitimacy is to be preserved in such a case, the representatives must be elected by local assemblies in which all citizens meet, and the representatives must be given complete instructions. They must have no independent judgment, and for every new question which arises they must return to those who elected them. Otherwise there is no general will. The general will requires constant consultation.[9] It can be consulted only by vote, so that the system suggested by Rousseau turns out to be majoritarian. But it is not a simple majoritarianism; the laws can only be properly instituted if the citizens possess the virtue to suppress their private wills. The individuals must be citizens in the classical sense, and this requires a very severe, self-imposed morality. Rousseau is not a libertarian in the modern sense of the word; every man cannot live as he likes, for that would end the possibility of agreement and destroy the sources of the moral energy necessary to self-control. Rousseau despised democracy as it is usually practiced because it means a wild anarchy of self-interest. A formalistic insistence on the

vote of the people is meaningless without the establishment of its moral preconditions. Sparta was right in its concentration on the habits of its citizens as over against the modern laxity which leaves the private life to the individuals. The tastes and manners of the citizens affect all their judgments, and certain habits make free government altogether impossible. Rousseau re-establishes the Greek city but brings to light the true principle which motivated its insistence on austere virtue: virtue is not itself the end; it is a means to freedom.

Moreover, in addition to virtue, the expression of the general will must be guaranteed by the suppression of faction. Each citizen alone cannot hope to have his private will prevail and recognizes that if everyone voted according to his passions there would be no order. It is only when he belongs to a group large enough to influence the vote decisively that his private will overcomes his sense of the general will in seeing what he personally can gain. Thus, parties must be forbidden, and extremes of wealth and poverty must be prevented. In so far as possible, informed citizens must vote as individuals, and the result of such a vote can be considered a general will.

Rousseau was aware of the tension that exists between the stability that law requires and the constant reconsideration implied in the assembly of the people. There is no law or institution which cannot be revoked if the state is going to be governed by the actual wills of its present citizens. Every assembly must begin with the question: Does the sovereign please to preserve the present form of government?[10] But the idea that the law is a product of one's will weakens the almost religious awe that is necessary to maintain the respect for law. Old institutions and the sacredness of the law are restraints on the expression of selfish interest; the man who never conceives of the possibility of altering the established way is more likely to behave according to the commands he never questioned than the one who is accustomed to easy change. This is a difficulty never entirely resolved by Rousseau, but which he attempts to do away with by making the process of change difficult, by making the individuals who suggest it responsible for its effects, and by an education in the respect for good institutions. But the possibility of change cannot be obviated if the citizens are to be conscious of their freedom and able to judge what preserves it and what destroys it.

The sovereign is by its nature also indivisible. The notion of the general will makes it impossible for there to be a separation of powers which is anything more than a delegation for the execution of functions previously defined by the sovereign and ultimately dependent upon it. The sovereign power is a unity which cannot be divided without destroying it. No authority is anything but derivative from it.

The social contract is an agreement to form a civil society and establishes the instrument of authority—the sovereign. But the institution of this body does not give the body motion; the new society must have activities and ends; it needs laws. The character of the laws is undetermined by the contract; the contract only sets up the legitimate organ of legislation. The particular enactments can vary according to the interests of the society. The laws must, like the general will, be only general. They cannot refer to particular persons or acts. If they did, the persons involved would not partake in the general will; they would be alien to it, since their wills did not take part in forming the law. The law can establish regulations distinguishing diverse duties, honors, and classes, but it cannot say to whom these regulations should apply. It considers the citizens as a body and acts as abstract.

The laws must have sanctions imposed by men, since there are no other sources of them on earth; these sanctions must include the power of life and death in so far as the vicious need repression. Otherwise society would be of advantage to the unjust rather than the just. And there is no limitation on the scope of the law. Whatever does not touch the needs of civil society itself should be left to the citizen's free determination, but there is no means of establishing in advance what will be necessary for society's preservation. There are no reserved rights on behalf of the citizens. If there were, the citizens could withdraw from the contract at critical moments. And, since civil society entails a whole way of life, the apparently most trivial matters of private enjoyment can have a political effect. The manners of the society are of as much or more concern than the institutions of government, because manners underlie institutions and give them their force.[11]

To find a code of laws which fits a people, which is complete, and which will be obeyed is not a task for primitive men; such a code cannot arise from the mere gathering together of a group of men who constitute themselves as a sovereign. The private wills are still too dominant; they are not repressed by the habit of civil life. Practically speaking, it is only after a people has lived with its laws and habits for a long time that it can be said to be a people, a group with common interests and a general will, something more than an agglomeration. It is only afterwards that the body of the people is prepared to judge if its laws are good. But the society needs laws from the beginning if the strongest are not to take over and impose their private wills on the mass of the people and make slaves of them. Hence, for the formation of a real civil society a legislator is needed. This extraordinary man must discover the rules appropriate to the society in question, and he must force or persuade the people to accept them. He himself cannot be a member of the state, and

he has no authority; he presents the laws which must be approved ultimately by the general will. His is a labor of love from which he can win only honor. Rousseau has in view men like Moses and Lycurgus who established a people and along with it justice. He returns in this, too, to a classic view in that he does not believe in piecemeal reform or in the gradual automatic triumph of reason in politics. Conscious, statesmanlike action is necessary; the whole order must be founded at one time according to rational plan, and only greatness can compass the task. The greatest political task is the establishment of a regime, and nothing can do away with the need for extraordinary virtue to accomplish it. The very greatness of the legislator makes his success more difficult, because he cannot be understood by those whom he wishes to convince. He must learn the language of the vulgar, and that is chiefly the language of divine inspiration or religion. The people can be impressed and persuaded by the accents of piety and the semblance of miracle. This is one of the few ways to still the voice of private interest long enough for the many to learn to appreciate the advantages of law. Religion is used for political purposes and, in Rousseau's view, should not become independent of political control. The religion should not contain teachings which do not conduce to the ends of the regime. Rousseau was perfectly aware that impostors could play the role of legislator and that the "strong man" is always a danger. But in looking to the origins of regimes, he could see only means such as these to establish orderly and legitimate ones. Regimes are made by men, and good ones require great men and unusual means.[12]

Although the formal conditions of legitimacy are the same everywhere, Rousseau wanted to preserve a realm for the activity of statesmanship. He knew that politics could not be made an abstract science as some modern theory wanted it to be. He tried to combine the clarity and certainty of modern political science with the flexibility of the classical art of politics. The fact of difference of circumstance means that many nations cannot enjoy liberty and that many others can only have a diluted form of it. A regime that could be realized everywhere would be of such a low order that the few who can enjoy a good one would be deprived of it without the others gaining by it. Legislation must be made at the right moment, and a primitive people uncorrupted by decadent habits is most eligible for it. The climate and the territory, its extent and character, must be taken into consideration. The traditions of the people and their manners determine the range of possibilities. The fact that the general will is formal allows for these differences. There is no doctrine of natural law which limits the statesman's activities and forces him to mitigate his judgments about what most

conduces to the common good. That there are different peoples implies that the determinations of the general will will differ. The diversity of life is preserved, but man is not left without moral guidance; in the diversity there is the unity which is everywhere the same, the general will. But there are no universal substantive commands implied in the general will; a great variety of opposed principles can legitimately be emitted by it; it can make laws which lead to widely varying styles of life and action. According to the *Social Contract* and the political philosophy underlying it, there is no one best regime or scheme of laws. Different arrangements can equally well allow for the existence of a general will in different circumstances.[13]

The general will is only the expression of a desire that something be done. The force to do it is also necessary. This necessity brings into being the distinction between the legislative and the executive, between the sovereign and the government. Since the sovereign can legitimately make laws only about general objects, the application of the laws to particular acts or persons is not of its domain and belongs rather to the government. The government receives its instructions from the general will and uses its authority to determine the acts of the citizens according to the sense of the sovereign. It is the intermediary between sovereign and individual citizen and is totally derivative. This distinction is new in Rousseau and works a fundamental break with his predecessors, especially those of classical antiquity.[14] It prefigures the distinction between state and society so important today. For the classical thinkers the arrangement of the offices—the government—was the primary consideration. The form of government determined the form of society, and with a change of government a new society would be constituted. Loyalty was not owed to the country, the people, or the society but to the government. In Rousseau's scheme the existence of the sovereign prior to the existence of government means that the latter is only a secondary phenomenon from the point of view of right and fact. The contract constitutes the society which antedates the government and maintains itself in spite of changes in the government. Hence, the most interesting object of study is the society, and loyalty is owed primarily to it rather than to the government. The primary fact of politics is not the government of men; government is a necessary evil because men need direction in the exercise of their freedom. The less government, the better, and there is a great pre-occupation with limiting the scope of the government and preventing it from contradicting the general will. Government is always viewed with suspicion, and the citizens must be careful that the exercise of its functions does not unjustly inhibit them in the exercise of their liberty. The government institutes inequalities of

rank and authority which are necessary to it, but those differences do not establish real differences of worth among the citizens who are all equal. The government is always completely dependent on the will of the people and can be reduced to its original equality with them.

It is easy to see how later thinkers were able to develop on this basis such notions as "the withering away of the state" without believing that the fundamental advantages of society would be lost; and it is less shocking to think of changes in government on this basis. The older tradition taught that the establishment of government is the fundamental act in the formation of a community, and that the destruction of government is equivalent to the destruction of society. Hence, the inequality which government implies is coeval with society, and it follows that the authority of government is not derivative from the people as a whole or the general will. The superior men do not owe their superiority to the people. This difference leads in Rousseau's thought to a certain deterioration in the respectability of government and more concentration on the rights of the citizens than on the effectiveness of execution.

Government must be powerful enough to dominate the particular wills of the citizens but not powerful enough to dominate the general will or the laws. The more inhabitants a country has, the more the particular wills are powerful, and the harder it is for the individuals to identify themselves with the community. Hence the government must be more vigorous in populous lands, especially when the extent of the territory is great. The more persons sharing the authority of government, the less vigorous the government; monarchy is the most vigorous of governments and democracy the least. It follows that difference of size of nations means that different sorts of government are required. One cannot speak of the best government. The difference between democracy, aristocracy, and monarchy is one of number, and consequently of vigor. The classic notion, that the difference is one of virtue and that the choice between the three forms of regime is the decisive political act, is tacitly denied by Rousseau. As a rule, aristocracy has the fewest inconveniences. Democracy requires too much virtue, is almost no government at all, and the identification of the collective private wills with the general will is too easy. Monarchy is too concentrated and the problems of succession are too great. Aristocracy is a sort of mean between the inconveniences of the two, but it can become the worst of regimes. There are three possible sorts of aristocracy: hereditary, natural, and elective. The first is the worst sort in Rousseau's view, based as it is on wealth and conventional inequality; and its members are under the delusion that their rights are independent of the will of the people.

They have a collective interest of class which divides the community. Contradicting the whole tradition of political philosophy, Rousseau denies that a true aristocracy is a politically identifiable class.[15] In primitive societies the best-equipped to rule are chosen almost naturally, and this is an excellent solution but inadequate for more developed societies. Election is the sole legitimate mode of selecting a limited number of governors, for it guarantees that they will be in constant submission to the general will.

In this way, aristocracy becomes little more than an expression of the fact that in most societies not everyone rules so that some limited number of men must be chosen. There are no criteria of birth or wealth for the selection of those few, and the aristocracy does not represent a way of life. Rousseau, of course, tries to make provision for the selection of the truly best and to avoid demagoguery, but his notion of aristocracy is not far from our present-day notion of popular or democratic government. Above all, no classes are allowed to establish special rights for themselves and, consequently, no special way of life may be connected with their class privileges. Rousseau tries to preserve differentiation and special privilege for political talent, but the fundamental principle of political right is equality, and privilege should never become identified with the conventions of traditional aristocracy which preserves mediocrity under the guise of superiority. His thought entails a wholesale condemnation of the encouragement of the class differences which were central to classical thought.

The death of a government occurs when the particular wills substitute themselves for the general will. This can lead either to anarchy or tyranny—anarchy when the individuals go off each in his own direction, tyranny when the private will of a single man directs the government. The entire political problem is, in sum, to establish the proper relation between the particular and the general will. The transformation of man in his passage from the state of nature to the civil state and his discovery of his free capacity to will is the crucial event for him, and the first and continuing preoccupation of the statesman is to guarantee the preservation of that transformation. For this purpose the ancient city serves best: because it is small enough to permit an aristocratic government and for the citizens to share a common heritage and a common way, because the particular wills can more easily be submerged in custom, and because the statesman can control the entirety. The question of the size of a nation is not a matter of mere technical limitations as has been most often supposed in modern thought, but has to do with the nature of human possibilities. Rousseau believed that revolutions could restore conservative antiquity on new, self-conscious grounds. His thought is

an amazing union of the radical, revolutionary progressivism of modernity with the discretion and restraint of antiquity.

As has been said, Rousseau began his critique of modern thought from the point of view of human happiness. A political solution which does not fulfill humanity is only an abstraction, nor can the proper place of the political be distinguished except against the background of the whole man. And that raises the question whether the solution of the *Social Contract* is as completely satisfactory as that book itself would seem to indicate. The question is whether all men, especially the best men, can find complete satisfaction within a possible civil society. That the *Social Contract* provides a basis, from Rousseau's point of view, for establishing orders in which most men can live satisfactorily when laws have become necessary for them, there is no doubt. But whether these orders can realize a perfect justice that commands the attachment of the minds and hearts of the best is not entirely clear. There are two reasons drawn from Rousseau's writings which make this question unavoidable.

The first is purely political and has to do with property. Rousseau never envisioned as universally feasible a common use of the fruits of the earth. Private property is almost inextricably bound up with civil society and attaches men to it. But private property is not natural and is always a source of inequality. Private property is the root of power in civil society, and it cannot help influencing the establishment of laws. Even in a society where there are not the extremes of wealth and poverty, the distinction exists, and the tendency is always toward aggravating these differences. A man's life is very different if he is born to poverty or wealth, and money has a great deal to do with his capacity to remove external impediments to his freedom. Society protects the rich more than the poor, and the poor have much less to lose and perhaps much to gain in the destruction of the established order. Rousseau recognizes this in being willing to weight the procedures of voting somewhat in favor of the solidly entrenched rich who have the preservation of the regime at heart, if only selfishly. As soon as the equality of persons is the basis of political right, the legitimacy of the inequality of private property becomes highly questionable. Rousseau did not believe that real equality of wealth could be maintained without constant revolution and the destruction of the advantages of political life, but his view of private property is not wholly unlike Marx's. Private property is a perpetual question mark standing after the words "legitimate civil society." [16]

But more important is the doubt raised by the investigation of man's nature and Rousseau's own life as he saw fit to describe it for the public. Man is naturally an idle animal whose real pleasure is in sentiment,

especially the sentiment of his own being. The movement of time and events does not entirely efface that nature. But civil society requires effort and work; one has little time to exercise the sentiments. The good citizen wants the esteem and affection of his fellow citizens; he looks to their opinions rather than living within himself as does the savage. Above all, civil society demands virtue, and virtue is hard. Virtue means living according to principle, conscious repression of the animal and sentimental in man. Virtue is necessary for civil society, but it is unclear whether it is good in itself—whether, as for the ancients, it is the specific human perfection, desirable for itself in addition to its effect of preserving society. The natural man had a goodness which caused him to care for his fellows; this was a pleasure for him just as was the satisfaction of his personal needs. He never did anything because he had to, but because it flowed naturally from him. Rousseau makes a distinction between the moral and the good man.[17] The moral man acts from the sense of duty and has the character of the trustworthy citizen. The good man follows his natural instincts, that first nature uncorrupted by vanity; he is the sentimental friend and lover. Rousseau put himself in the class of the good men, and his *Confessions* are the revelation of the life, actions, and feelings of such a man. He is not a reliable citizen; he is useless to society. He is idle. Finally, he is a solitary walker who dreams and recovers the sense of his existence under the layers of convention that have caused it to be utterly lost. He goes away and lives in the country, alone, untouched by civil society. This is another solution to the human problem, impossible for most men who do not have the strength of soul and intellect necessary to free themselves from their dependence and to think through the false opinions of society; but it is more satisfactory and more pleasant because it is closer to that first nature.

One can say that there are two roads from the state of nature and that they do not meet, the one leading to civil society, the other to the condition of men like Rousseau. One looks forward to the future and to a transformation of man, the other longs passionately for a return to nature. There is no harmonious solution to the human problem; there are unsatisfactory alternatives at tension with one another: the statesman versus the dreamer or the poet. They are mutually exclusive. One is left with a sense of incompleteness or imperfection in Rousseau's view of human life. Civil society does not satisfy much that is deepest in man. The dreamer cannot live well with his fellows. And, in the state of nature, where this split had not occurred, man was not really man. But Rousseau resisted the temptations to which his successors succumbed. Because he was aware that man's morality was purchased at the sacrifice of his sweetest natural sentiments and is partly only a means to the

preservation of the state, he did not try to absolutize that morality to the exclusion of all else that is human. He did not teach that history, for all its power, would overcome the force of man's nature. He did not believe that man could become entirely social. And he did not neglect the importance of the political to give himself up to romantic longings for the lost past. All of these possibilities are to be found in his thought, but each was given no more than its due. For this reason one feels that he presented the human problem in its variety with greater depth and breadth than any of his successors.

NOTES

1. Rousseau's awareness of the paradoxical character of his works is well illustrated in the *Letter to M. d'Alembert,* in *Politics and the Arts. Letter to M. d'Alembert on the Theatre by Jean-Jacques Rousseau,* trans. with notes and an introduction by Allan Bloom (Glencoe, Ill.: The Free Press, 1960), p. 131, n.; and in Rousseau's *Lettre à M. Beaumont,* sixth paragraph.

2. *Discourse on Political Economy,* in *The Social Contract and Discourses,* trans. with an introduction by G. D. H. Cole ("Everyman's Library" [New York: Dutton, 1950]), pp. 306–8, 323–24. This volume will be cited hereafter as Cole's Rousseau.

3. *Discourse on the Sciences and Arts,* in *Jean-Jacques Rousseau, The First and Second Discourses,* ed. by Roger D. Masters and trans. by Roger D. and Judith R. Masters (New York: St. Martin's Press, 1964). This volume will be cited hereafter as Masters' *Discourses.*

4. *The Government of Poland,* in Rousseau, *Political Writings,* trans. and ed. by Frederick Watkins (New York: Nelson, 1953), chap. ii, pp. 162 ff.; cf. *Discourse on the Origin and Foundations of Inequality among Men,* in Masters' *Discourses,* pp. 78–90.

5. The preceding pages summarize the argument of the *Discourse on the Origin and Foundations of Inequality among Men.*

6. *Social Contract,* I.ii–v.

7. *Ibid.,* I.vi.

8. *Ibid.,* I.vii.

9. *Ibid.,* III.xv. Cf. *Government of Poland,* chap. vii, pp. 187–205.

10. *Social Contract,* III.xviii.

11. *Discourse on Political Economy,* p. 298, in Cole's Rousseau.

12. *Social Contract,* III.vii; cf. *Government of Poland,* chap. ii, pp. 163–65.

13. *Social Contract,* III.viii. *Letter to M. d'Alembert,* p. 66.

14. *Social Contract,* I.vii, III.i; *Discourse on Political Economy,* pp. 289–97.

15. *Discourse on the Origin and Foundations of Inequality among Men,* Masters' *Discourses,* p. 227, note(*s*) to p. 174 of the text.

16. *Ibid.,* pp. 141–42.

17. See Rousseau's *Les Rêveries du promeneur solitaire,* sixième promenade (Paris: Garnier, 1960), pp. 75–86.

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